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Attorney for Plaintiff ANTHONY LUCKEY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO

ANTHONY LUCKEY,

Plaintiff,

v.

CITY OF PORTERVILLE and BRUCE
SOKOLOFF,

Defendant.

Case No.: 1:23-cv-00551 ADA BAM

Complaint Filed: April 7, 2023
FAC Filed: August 7, 2023

**JOINT STIPULATION AND
ORDER TO FILE SECOND AMENDED
COMPLAINT WITH RESPONSE THERETO,
TO CONTINUE SCHEDULING
CONFERENCE AND TO CONTINUE LAST
DATE TO FILE JOINT SCHEDULING
REPORT**

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff ANTHONY LUCKEY ("Plaintiff") and Defendants CITY OF PORTERVILLE and
BRUCE SOKOLOFF (collectively referred to as "Defendants"), hereby stipulate to the
following:

WHEREAS, Plaintiff filed his Complaint ("Complaint") with this Court on April 7, 2023;

WHEREAS, Defendants agreed to waive formal service of Summons;

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1 WHEREAS, following review and evaluation of Plaintiff's Complaint by defense counsel,
2 the respective counsel for the parties engaged in meet and confer communications;

3 WHEREAS, Plaintiff's counsel requested the opportunity to file a First Amended
4 Complaint;

5 WHEREAS, defense counsel agreed to Plaintiff's request to file a First Amended
6 Complaint;

7 WHEREAS, counsel for Plaintiff and Defendants also agreed to continue the date for
8 filing the Joint Scheduling Report and date set for the Scheduling Conference in light of the
9 extended time for the parties to file pleadings;

10 WHEREAS, the Court granted the parties' requests;

11 WHEREAS, Plaintiff's counsel suffered a serious health issue, which required
12 hospitalization and the Court granted the parties' stipulation to extend deadlines;

13 WHEREAS, Plaintiff filed and served a First Amended Complaint on or about August 7,
14 2023;

15 WHEREAS, following review of the First Amended Complaint by defense counsel, the
16 respective parties engaged in meet and confer communications;

17 WHEREAS, Plaintiff's counsel requested the opportunity to file a Second Amended
18 Complaint and defense counsel agreed;

19 WHEREAS, the parties agreed to continue the date for filing the Scheduling Conference
20 Report and Scheduling Conference in light of the extended time to file pleadings, if the Court so
21 approves.

22 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the parties to this suit,
23 by and through their counsel of record, as follows:

24 1. Plaintiff will file a Second Amended Complaint within 15 days after the Court
25 approves the instant Stipulation;

26 2. Defendants will file a responsive pleading within 21 days of service of the Second
27 Amended Complaint, or if Plaintiff does not file a Second Amended Complaint by that 15 day
28 period, Defendants will file a responsive pleading on or before 36 days after the Court approves

the instant Stipulation;

3. The parties stipulate and respectfully request that the Court continue the Scheduling Conference from September 27, 2023, to a date as is convenient for the Court; and

4. The parties stipulate and respectfully request that the court continue the current last day to file the Joint Scheduling Report from September 20, 2023 to a date reflective of the continued Scheduling Conference.

Dated: August 25, 2023

LIEBERT CASSIDY WHITMORE

By: /s/ Sue Ann Renfro

Jesse J. Maddox
Sue Ann Renfro
Attorneys for Defendants CITY OF
PORTERVILLE and BRUCE
SOKOLOFF

Dated: August 25, 2023

LAW OFFICES OF LAWRENCE J. KING

By: /s/ Lawrence J. King

Lawrence J. King
Attorneys for Plaintiff ANA ISABEL
MORENO

ORDER

IT IS HEREBY ORDERED THAT:

1. Plaintiff is granted leave to file a Second Amended Complaint within 15 days following this Court's order approving the Stipulation;

2. Defendants will file a responsive pleading within 21 days of service of the Second Amended Complaint, or if Plaintiff does not file a Second Amended Complaint by that 15 day period, Defendants will file a responsive pleading on or before 36 days after the Court approves the instant Stipulation;

3. The Scheduling Conference scheduled for September 27, 2023, at 9:30 a.m. is hereby continued to **October 25, 2023, at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**; and

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1 4. The last date for the parties to file a Joint Scheduling Report is hereby continued
2 from September 20, 2023 to October 18, 2023.

3 IT IS SO ORDERED.

4 Dated: August 28, 2023

/s/ Barbara A. McAuliffe
5 UNITED STATES MAGISTRATE JUDGE

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